

HOUSE BILL 2147  
By DeBerry J

AN ACT amend Tennessee Code Annotated, Title 35,  
Chapter 5 and Title 36, Chapter 6, relative to  
parent visitation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-503, is amended by deleting the section in its entirety and by substituting instead the following:

(a) A parent, who has been victimized by the other parent's intentional violation of § 36-6-502(a) on two (2) or more occasions within any six-month period, may petition the court having jurisdiction over the order of visitation for a finding that the other parent is not in compliance with an order of visitation; provided, prior to the most recent violation, the victimized parent must have attempted to notify the other parent, by certified mail to the other parent's last known address, return receipt requested, that subsequent violations of the court-ordered visitation shall be subject to sanctions authorized by this part and a copy of such notification must have been filed with the court. The petitioner shall include within the petition any information concerning a license held by the other parent and covered by § 36-6-511. A notice shall be served on the other parent together with the petition. Such notice shall state that:

(1) The parent may request a hearing to contest the issue of compliance;

(2) A request for a hearing must be made in writing and must be received by the court within thirty (30) days of service;

(3) If such parent requests a hearing within thirty (30) days of service, the court shall stay the proceedings to certify such parent to any appropriate

licensing authority for noncompliance with an order of visitation pending a decision after the hearing;

(4) If the court finds that such parent is not in compliance with an order of visitation or such parent does not request a hearing within thirty (30) days of service, the court may certify such parent to any appropriate licensing authority for noncompliance with a court order of visitation; and

(5) If the court certifies such parent to a licensing authority for noncompliance with an order of visitation, the licensing authority, notwithstanding any provision of law to the contrary, must deny a renewal request, revoke such parent's license or refuse to issue or reinstate a license, as the case may be, until such parent provides the licensing authority with a release from the court pursuant to § 36-6-508 that states such parent is in compliance with the order of visitation.

(b) The notice sent pursuant to this section shall also include a statement informing such parent of the need to obtain a release from the court in order to allow such parent's license to be issued, renewed or reinstated. The notice shall be served by certified mail to the other parent's last known address, return receipt requested, or by personal service with an affidavit of service completed by an authorized process server.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.